

## Exhibit 2

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

STATE OF TEXAS  
*Plaintiff,*

v.

ALEJANDRO MAYORKAS, in his official  
capacity as Secretary of the United States  
Department of Homeland Security, et al.

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CIVIL ACTION NO. 5:23-CV-34-H

**DECLARATION OF REBECCA WALTZ**

My name is Rebecca Waltz, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Budget Director for the Texas Department of Criminal Justice. The Texas Department of Criminal Justice (TDCJ) is the state agency responsible for the care, custody, and rehabilitation of persons convicted of a criminal offense in the state of Texas.

2. I have been employed with TDCJ since June 2004, and I have served in my current position since January 2020. Prior to that, I served as TDCJ's Deputy Budget Director from December 2017 to December 2019, a Senior Budget Analyst from October 2007 to November 2017, and a Junior Budget Analyst from September 2004 to September 2007.

3. The Bureau of Justice Assistance (BJA) administers the State Criminal Alien Assistance Program (SCAAP) in conjunction with the U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (OHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period.

4. As a part of my employment with TDCJ, I am responsible for compiling the data to be included in TDCJ's application for federal reimbursement to the State Criminal Alien Assistance Program. These data sets include the number of correctional officers and their salary expenditures (correctional officer is defined as a person whose primary employment responsibility is to maintain custody of individuals held in custody in a correctional facility) for the reporting period, information regarding maximum bed counts and inmate days, and information about the eligible inmates – (1) whom the agency incarcerated for at least four consecutive days during the reporting period; and (2) who the agency knows were undocumented criminal aliens, or reasonably and in good faith believes were undocumented criminal aliens.

5. TDCJ has sought reimbursement from the federal government through SCAAP since 1998.

6. For the most recently completed SCAAP application (reporting period of July 1, 2021, through June 30, 2022), TDCJ reported data for 6,914 eligible inmates and total of 2,019,635 days. An estimate of the cost of incarceration for these inmates can be calculated by multiplying the systemwide cost per day per inmate for Fiscal Year 2022 (\$77.49) as reported by the Texas Legislative Budget Board by the number of days. For example ( $\$77.49 \times 2,019,635 \text{ days} = \$156,501,516$ ).

7. A SCAAP award for this application period has not been received.

8. TDCJ also submitted a SCAAP application for the reporting period of July 1, 2020, through June 30, 2021. TDCJ reported data for 7,058 eligible inmates and a total of 1,984,597 days. An estimate of the cost of incarceration for these inmates can be calculated by multiplying the systemwide cost per day per inmate for Fiscal Year 2022 (\$77.49) as reported by the Texas

Legislative Budget Board by the number of days. For example ( $\$77.49 \times 1,984,597 \text{ days} = \$153,786,422$ ).

9. Of this estimated amount, TDCJ was reimbursed \$14,883,040.

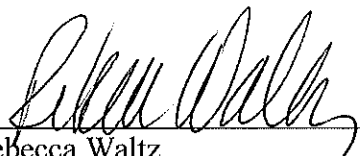
10. It is my belief that to the extent the number of aliens in TDCJ custody increases, TDCJ's unreimbursed expenses will increase as well.

11. Whether incarcerating criminal aliens or having them on parole or mandatory supervision, TDCJ incurs costs. Keeping detainees in TDCJ custody, or adding them to parole or mandatory supervision, imposes costs on TDCJ for housing, supervising, and providing health care. An estimate of the cost of parole or mandatory supervision for these inmates can be calculated by multiplying the average cost per inmate for active parole supervision for Fiscal Year 2022 (\$4.69) as reported by the Texas Legislative Budget Board by the number of days. For example ( $\$4.69 \times 2,019,635 \text{ days} = \$9,472,088$ ; or  $\$4.69 \times 1,984,597 \text{ days} = \$9,307,760$ ).

12. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20th day of October 2023.

  
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Rebecca Waltz  
TDCJ Budget Director